

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.1215 OF 2001

Bandu Ramchandra Chalke)
An Indian Inhabitant, resident of)
Siddhi Vinayak Rahivasi Mandal)
Kene Wadi, M.H.B. Colony)
Borivali (West), Mumbai 400 091.).. Petitioner

Versus

M/s.Shreyas Industrial Estate Society)
A Co-operative Society registered)
under the Maharashtra Co-operative)
Societies Act, 1960, having its office)
at Western Express Highway, Behind)
Jay Coach, Goregaon (East))
Mumbai 400 063.).. Respondent

Mr.K.S.Bapat for the Petitioner.

Mr.Rajesh Gehani for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 8TH AUGUST 2005

ORAL JUDGMENT :

. This Petition challenges the Award dated 3rd December 1999 passed by the First Labour Court, Mumbai in Reference (IDA) No.616 of 1997. The Labour Court dismissed the Reference made to it for adjudication of the dispute with regard to the Petitioner's reinstatement with continuity of service and full back wages.

2. According to the Petitioner, he was employed from 7th November 1992 upto 1st December 1996 as a Security Guard with the Respondent. As the Petitioner

and other co-workers were being paid low emoluments, they raised a demand on 28th November 1996. It appears that soon thereafter on 8th December 1996 the services of the Petitioner were terminated along with other Security Guards. The Petitioner, therefore, approached the machinery available under the Industrial Disputes Act, 1947 for adjudication of the dispute before the Labour Court. The Reference was accordingly made to the Labour Court, Mumbai being Reference (IDA) No.616 of 1997.

3. This Reference was heard along with Reference (IDA) No.617 of 1997. The pleadings in both the References are the same. Common evidence was recorded in the two References. The Award impugned in the present Writ Petition is verbatim with the Award in Reference (IDA) No.617 of 1997 which is impugned in Writ Petition No.1216 of 2001.

4. For the reasons mentioned in Writ Petition No.1216 of 2001, the Award of the Labour Court set aside. Matter remanded to the Labour Court, Mumbai for leading fresh evidence.

5. Writ Petition allowed. Rule made absolute accordingly. No order as to costs.